

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED IN OPEN COURT
DATE: 7/5/05
TIME: 5:45 PM
INITIALS: JPM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 04-20473-MI

MICHAEL ANTHONY SZYMANSKI,

Defendant.

PLEA AGREEMENT

I, MICHAEL ANTHONY SZYMANSKI, have been charged with two (2) felony counts in the above-referenced criminal Indictment. I have been charged with a violation of Title 18, United States Code, Section 2422(b). The maximum penalty for violation of this Section, as charged, is a fine of \$250,000.00 and/or not less than five (5) years, not more than thirty (30) years imprisonment, and a period of supervised release. I have been charged with a violation of Title 18, United States Code, Section 2423(b). The maximum penalty for violation of this Section, as charged, is a fine of \$250,000.00 and/or not more than thirty (30) years imprisonment, and a period of supervised release. Fees may be imposed to pay for incarceration or supervised release. There is a \$100 special assessment per felony count.

I understand that the United States Attorney for the Western District of Tennessee and my defense counsel have entered into a plea negotiation of which I am fully aware and understand.

My attorney, Walter L. Bailey., whom I have retained to represent me, has informed me of the nature of these criminal charges and the elements of each charge, each of which must be proved by the Government beyond a reasonable doubt before I could be found guilty as charged.

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By voluntarily pleading guilty, I knowingly waive and give up my constitutional right to plead not guilty, to compel the Government to prove my guilt beyond a reasonable doubt, not to be compelled to incriminate myself, to confront and cross-examine the witnesses against me, to have a jury or judge determine my guilt on the evidence presented, and other constitutional rights which apply to a defendant on trial in a criminal case.

I am pleading guilty to the charges described herein because I am guilty and because it is in my best interest to do so, and not because of any threats or promises. There has been no representation made whatsoever by any agent or employee of the United States to me as to what the final disposition of this matter should or will be. I understand that the matter of sentencing is within the sole discretion of the Court. I have discussed sentencing with my attorney.

I understand the plea agreement in this case to be as follows:

I will enter a plea of guilty to Count 1 of the above-referenced Indictment, charging me with a felony violation of Section 2422(b).

I understand that this is a Plea Agreement pursuant to Rule 11(c)(1)(C), and that there is an agreed upon sentence of imprisonment of Sixty (60) months. I understand that the Court may accept or reject the terms of this Plea Agreement, and may postpone its decision until the Court has had the opportunity to review a presentence investigation report. I further understand that, if the Court rejects the terms of this Plea Agreement, I will be given the opportunity to withdraw my plea of guilty herein.

I understand that if I fulfill the terms of this Plea Agreement, and the Court accepts the terms of this Plea Agreement, the United States, at sentencing, will move the Court to dismiss Count 2 of the Indictment charging me with a violation of Title 18, United States Code, Section 2423(b).

I understand that persons convicted of crimes are required to pay a mandatory assessment of \$100 per felony count of conviction. I agree that payment of this assessment, in full, is a condition of this agreement and that failure to do so will make this entire agreement null and void, at the unilateral election of the United States.

I understand that this agreement does not apply to any crimes that I may have committed (other than those specifically set forth herein), or that I may commit hereafter, including perjury.

I understand that the prosecution will be free to fully describe the nature of these offenses and the evidence in this case.

I understand that a thorough presentence investigation will be conducted and sentencing recommendations independent of the United States Attorney's Office will be made by the preparer of the presentence report, which the Court may adopt or take into consideration.

I willingly stipulate that there is a sufficient factual basis to support each and every material factual allegation contained within each count of the Indictment to which I am pleading guilty.

I have not been coerced, threatened, or promised anything other than the terms of this plea agreement, described above, in exchange for my plea of guilty. I understand that I will have an opportunity to personally address the Court prior to sentence being imposed.

I can read and write, and I have read and discussed the terms of the foregoing plea agreement with my attorney, Walter L. Bailey, and am satisfied with my attorney and his advice and counsel. Being aware of all of the possible consequences of my pleas, I have independently decided to enter these pleas of my own free will, and am affirming that agreement on the date and by my signature below.

7/5/05
DATE SIGNED

Michael A. Szymanski
MICHAEL ANTHONY SZYMANSKI
Defendant

7/5/05
DATE SIGNED

Walter L. Bailey
WALTER L. BAILEY
Attorney for the Defendant

7/5/05
DATE SIGNED

Dan L. Newsom
DAN L. NEWSOM
Senior Litigation Counsel
U.S. Attorney's Office
Western District of Tennessee

7/5/05
DATE SIGNED

Vivian R. Donelson
VIVIAN R. DONELSON
Chief - Criminal Division
U.S. Attorney's Office
Western District of Tennessee



Notice of Distribution

This notice confirms a copy of the document docketed as number 25 in case 2:04-CR-20473 was distributed by fax, mail, or direct printing on July 6, 2005 to the parties listed.

US Probation Office
Memphis, TN

US Marshals
Memphis, TN

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Memphis, TN

Honorable Jon McCalla
US DISTRICT COURT